JAP:KTF

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - X

UNITED STATES OF AMERICA

- against -

TAIWO SAKA,

Defendant.

- - - - - - - - - - - - - - X

COMPLAINT

(18 U.S.C. § 1546)

EASTERN DISTRICT OF NEW YORK, SS:

KYLE BENZ, being duly sworn, deposes and states that he is a Special Agent with the United States Department of State, Diplomatic Security Service ("DSS"), duly appointed according to law and acting as such.

On or about April 5, 2017, within the Eastern District of New York and elsewhere, the defendant TAIWO SAKA did knowingly and willfully use and attempt to use a United States visa that was procured by means of a false claim or statement and otherwise procured by fraud and unlawfully obtained.

(Title 18, United States Code, Section 1546)

The source of your deponent's information and the grounds for his belief are as follows:[1]

1. I am a Special Agent with DSS and have been with DSS since February 2016. Prior to becoming a Special Agent with DSS, I was a Federal Air Marshal for four

[1] Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

years. I have been involved in the investigation of numerous cases involving visa fraud. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation, including but not limited to United States Customs and Border Protection ("CBP") officers.

2. On April 5, 2017, the defendant TAIWO SAKA arrived at John F. Kennedy International Airport on Royal Air Maroc Airlines flight number AT 200 from Lagos, Nigeria by way of Casablanca, Morocco. The defendant presented to a CBP officer a valid Nigerian passport, number A06128312, and a B1/B2 United States entry visa with foil number M1460361, both in the name of TAIWO SAKA. The defendant's B1/B2 visa was issued by the United States Bureau of Consular Affairs in Lagos, Nigeria on February 23, 2017.

3. The defendant TAIWO SAKA was referred for a secondary inspection. During the secondary inspection, SAKA unlocked his mobile phone and consented to a search of his phone. While reviewing the defendant's phone, a CBP officer observed images of what appeared to be child pornography and what appeared to be terrorist-related videos showing decapitations. The CBP officer contacted agents from DSS and Homeland Security Investigations.

4. CBP officers reviewed the written notes of the State Department officer who adjudicated the defendant TAIWO SAKA's visa application in Lagos, Nigeria. The notes indicated that, during his visa interview, SAKA stated that he was visiting the U.S. for an executive training course. He indicated that he is a logistics manager for Capital Oil and

Gas Ind LTD. SAKA's visa application listed "Kelvin Darez" as his point of contact in the United States. SAKA's visa application further listed a phone number for Kelvin Darez (the "Phone Number"). SAKA's visa application stated that no one assisted him in preparing the application.

5. CBP officers ran searches for Kelvin Darez and the Phone Number on government databases, and discovered that several denied visa applicants from Lagos, Nigeria had also indicated on their visa applications that they were logistics managers and were attending a training course in the United States. There were numerous commonalities between the defendant TAIWO SAKA's visa application and these denied visa applicants. For example: (i) each claimed to be logistics managers for an oil and gas company; (ii) although each claimed to work for a different company, each listed the same work telephone number; (iii) each listed "Kelvin Darez" and the Phone Number as their U.S. point-of-contact; (iv) most visa applications, including SAKA's, were created and submitted from a computer with the same IP address; and (v) each listed an identical description for their job duties, which stated, "as the logistics and distribution manager, I organize and monitor the storage and distribution of materials to enhance business development, ensure sustainability and customer satisfaction."

6. After learning the information detailed in the paragraph above, CBP officers escorted the defendant TAIWO SAKA to the Terminal 4 Passport Control Secondary Office. Another DSS agent and I met them there. I read the defendant his Miranda rights. SAKA stated that he understood his Miranda rights and waived them by signing a waiver

form. In a post-Miranda interview, the defendant stated the following in sum and substance and in part:

a. Although he intended to come to the United States for training, the training was put on hold because of budgetary issues with his company;

b. Instead, he decided to come to the United States alone on vacation and would be staying at the JFK Inn, in Jamaica, New York for nine days;

c. He was not visiting anyone, and nor would anyone be visiting him;

d. He made no advanced plans for the vacation;

e. He did not know his employment telephone number; and

f. His company's human resource manager, Roy Kelvin, completed his visa application.

7. The other DSS agent asked the defendant TAIWO SAKA for permission to review messages on SAKA's mobile phone. SAKA consented and unlocked his phone. On the phone, the other DSS agent and I observed text messages sent to and from "Roy Kelvin Visa." The messages from "Roy Kelvin Visa" stated how SAKA could get a U.S. visa, what SAKA should say to U.S. Customs and Border Protection Officers in order to gain entry in to the United States, and how SAKA should act at the U.S. border.

WHEREFORE, your deponent respectfully requests that the defendant TAIWO SAKA be dealt with according to law.

KYLE BENZ
Special Agent
United States Department of State
Diplomatic Security Service

Sworn to before me this
6th

S/ Vera M. Scanlon

THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK